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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

MICHAEL ZELENY, an Individual,

Plaintiff,

vs.

EDMUND G. BROWN, et al.,

Defendants.

Case No. 17-CV-07357-RS

**DECLARATION OF ADAM VALACHOVIC
IN SUPPORT OF MOTION TO QUASH**

I, Adam Valachovic, declare and state as follows:

1. I am a senior discovery consultant for HaystackID LLC ("Haystack"). I make this declaration based on my own personal knowledge, except as to those matters stated on information and belief, which I believe to be true. If required to do so, I could competently testify to the matters stated here.

2. On January 24, 2019, I observed Curran Brooks, the Chief Technology Officer of New Enterprise Associates ("NEA"), access the administrative console for Office 365 which allows a user to determine the amount of email that exists for a specific period of time.

3. I observed that if emails were collected from January 1, 1999 to January 16, 2019, this would result in 4.88 terabytes of data or approximately 30.8 million emails. In my experience, the size of the data, and thus the number of emails will increase as these calculations include compressed or

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1 “zipped” files which would need to be extracted as part of the process.

2 4. I observed that if emails were collected from January 1, 2004 to January 16, 2019, this
3 would result in 4.87 terabytes of data or approximately 30.7 million emails.

4 5. I observed that if emails were collected from January 1, 2012 to January 16, 2019, this
5 would result in 4.3 terabytes of data or approximately 25.3 million emails.

6 6. I observed that if emails were collected from January 1, 2015 to January 16, 2019, this
7 would result in 3.16 terabytes of data, or 17.5 million emails.

8 7. Based upon this information, I prepared a Statement of Work.

9 8. Assuming that Haystack was provided 4.88 terabytes of pre-extracted data; that is data
10 that has not been decompressed or unzipped, it would cost \$104,052 to process the data such that it
11 could be reviewed. This estimate is based upon the following:

12 a. I first converted the 4.88 terabytes to 4880 gigabytes.

13 b. I then applied a 20% extraction rate, which is industry standard, which assumes that the size
14 of the data would increase by 20% when it is decompressed or unzipped. This would result
15 in 5856 gigabytes of data. Until the data is processed, it is impossible to determine exactly
16 how much the size of the data will increase when it is decompressed. If the extraction rate is
17 higher than 20%, then the costs discussed below will be higher.

18 c. The cost to have 5856 gigabytes of data processed and loaded into Haystack’s processing
19 tool is \$5 per gigabyte or \$29,280.

20 d. I then assumed that search terms were run, and that 10% of the data would be responsive
21 resulting in 586 gigabytes of data to be reviewed. That data would be loaded into a review
22 platform, Relativity, at a cost of \$120 per gigabyte for a cost of \$70,320.

23 e. I then assumed that the project would require 30 hours of project management time at a rate
24 of \$150 per hour for cost of \$4,500.

25 f. Thus, the estimated costs to process, search, and prepare 4.88 terabytes of data for review
26 would be \$104,100.

27 g. This cost would not include the cost to review the documents nor would it include the
28 monthly hosting fees and licenses for attorneys to review the documents.

9. I was then asked to assume that Haystack was provided 3.16 terabytes of pre-extracted data. The cost to process, search, and prepare this amount of data would be \$86,400. Again, this would not include the cost to review the documents nor would it include monthly hosting fees and licenses for attorneys to review the documents. This estimate is based upon the following:

- a. I first converted the 3.16 terabytes to 3160 gigabytes.
- b. I then applied a 20% extraction rate, which is industry standard, which assumes that the size of the data would increase by 20% when it is decompressed or unzipped. This would result in 3792 gigabytes of data.
- c. The cost to have 3792 gigabytes of data processed and loaded into Haystack's processing tool is \$10 per gigabyte or \$37,920.
- d. I then assumed that search terms were run, and that 10% of the data would be responsive resulting in 379 gigabytes of data to be reviewed. That data would be loaded into a review platform, Relativity, at a cost of \$120 per gigabyte for a cost of \$45,480.
- e. I then assumed that the project would require 20 hours of project management time at a rate of \$150 per hour for cost of \$3,000.
- f. Thus, the estimated costs to process, search, and prepare 4.88 terabytes of data for review would be \$86,400.
- g. This cost would not include the cost to review the documents nor would it include the monthly hosting fees and licenses for attorneys to review the documents.

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 25, 2019, in Boston, MA.



Adam Valachovic

PROOF OF SERVICE Electronic Filing

I HEREBY CERTIFY that on January 25, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to the Electronic Service List for this case.

/s/ Nicholas P. Honkamp

NICHOLAS P. HONKAMP

Attorneys for Non-Party New Enterprise Associates